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Application No. 10/554,977

REMARKS

Claims 1-28 are pending. The Office Action provides that restriction to one of the following Groups is required under 35 U.S.C. § 121:

- Group I: Claims 1-8, 11, and 13-20, drawn to methods of making musical instruments and apparatus for practicing the methods, classified in class 84, subclass 438.
- Group II: Claims 9, 10, 12, 22, 27, and 28, drawn to musical instruments, classified in class 84, subclass 290.
- Group III: Claims 21 and 23-26, drawn to methods of making a panel, classified in class 312, subclass 111.

Applicant elects Group I, consisting of claims 1-8, 11, and 13-20, without traverse. Applicant respectfully requests that claims 9-10, 12, and 21-28 be withdrawn.

The Office Action further provides that election of one of the following Species is required:

- Species I: Claims 1-8, drawn to a method of assembling a musical instrument using three jigs.
- Species II: Claim 11, drawn to a method of assembling a musical instrument without using any jigs.
- Species III: Claims 13-16, drawn to an apparatus for assembling a musical instrument using the second jig.
- Species IV: Claims 17-20, drawn to an apparatus for assembling a musical instrument using the first jig.

Applicant elects Species I, consisting of claims 1-8, with traverse. Applicant respectfully requests that claims 11 and 13-20 be withdrawn pending rejoinder of the allowable claims. Applicant traverses the election requirement for at least the reasons set forth below. No claims are generic.

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The Office Action asserts that the “[t]he species are considered to be independent or distinct because they have a different design, mode of operation, function, or effect.” (Office Action mailed January 15, 2008, at page 3.) Applicant respectfully disagrees. The methods and assembly jigs of claim 1 (Species I), claim 13 (Species III), and claim 17 (Species IV) are not independent or distinct because similar limitations are claimed. Specifically, the method of claim 1 (Species I) provides a first assembly jig that is “adapted to support the panel” and a second assembly jig that is “adapted to hold the side wall in a configuration corresponding to the predetermined pattern of the groove or rebate....” The assembly jig of claim 13 (Species III) is “adapted to hold the side wall in a configuration substantially corresponding to the predetermined pattern so as to facilitate insertion of a free edge of the side wall into the groove or rebate.” The assembly jig of claim 17 (Species IV) includes “first locating means for positively positioning the panel on the jig....”

Applicant further traverses the election requirement on the grounds that the Office Action has not presented or established any reasons why there would be a serious burden on the Examiner if election is not required. See MPEP § 808.

Based upon the foregoing, claims 1, 13, and 17 are not independent or distinct. Claim 7-8, which depend from independent claim 1, claims 14-16, which depend from independent claim 13, and claims 18-20, which depend from independent claim 17, are also not independent or distinct. Therefore, Applicant respectfully traverses the election requirement and respectfully requests that claims 1-8 and 13-20 be examined as a single Species.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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